

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

GE COMMERCIAL DISTRIBUTION
FINANCE CORPORATION,

Civil No. 05-3039-CO

Plaintiff,

FINDINGS AND RECOMMENDATION

v.

ALPINE MOUNTAIN HOMES, INC.,
et al.,

Defendants.

COONEY, Magistrate Judge:

Plaintiff brings this action for breach of contract and breach of guaranty. (First Amended Complaint). Plaintiffs seek a money judgment, reasonable attorney's fees, and costs and disbursements against defendants Gary and Nancy Waggoner. (Id. at 6). Plaintiff's motion for summary judgment was granted and a judgment was entered in favor of plaintiff.

Plaintiff moves for an award of attorney's fees(#60). Any opposition by defendants was due in Medford by May 9, 2006. None was filed.

DISCUSSION

Having reviewed the submissions by plaintiff's counsel and the record in this case, the court finds that based on the terms of the Guaranty plaintiff is entitled to recover attorney's fees, the number of hours spent by plaintiff's counsels and staff were reasonable, and the hourly fees requested are reasonable.

RECOMMENDATION

Based on the foregoing, it is recommend that plaintiff's motion to for attorney's fee's (#60) be granted, and a judgment be entered for attorney's fees in the amount of \$89,115.00.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have ten days from the date of service of a copy of this recommendation within which to file specific written objections with the Court. Thereafter, the parties have ten days within which to file a response to the objections.

Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation.

DATED this ____17____ day of May, 2006.

_____/s/_____
UNITED STATES MAGISTRATE JUDGE